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UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. JAYCOB TYLER KUTZERA, Defendant.	CR 17-48-GF-BMM UNITED STATES' FIRST MOTION IN LIMINE
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The United States respectfully moves this Court *in limine* for a protective order and for an order prohibiting Defendant Jaycob Kutzera, his counsel, and any defense witnesses from asking any question, introducing any evidence, or making any statement regarding the following improper, inadmissible, and/or overly prejudicial matters:

- 1) Protective order regarding any reference to the victim's full name in open court or in the open record;
- 2) Exclude evidence relating to the victim's other sexually explicit communications with anyone other than Kutzera;
- 3) Exclude victim's sexual history evidence under Rule 412;
- 4) Exclude any testimony, reference or argument about the victim's alleged consent to the crime;
- 5) Exclude evidence relating to the child victim's psychological records or history; and
- 6) Exclude reference to potential punishment or specific-instance character evidence.

Pursuant to LR CR 47.1(a), the United States contacted counsel for the defendant to determine if he objects to the motion but was unable to obtain his position prior to the filing of the motion.

DATED this 14th day of November, 2017.

KURT G. ALME
United States Attorney

/s/ Cyndee L. Peterson
Assistant U.S. Attorney
Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2017 , a copy of the foregoing document was served on the following persons by the following means:

- (1,2) CM/ECF
 - ☐ Hand Delivery
 - ☐ U.S. Mail
 - ☐ Overnight Delivery Service
 - ☐ Fax
 - ☐ E-Mail
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- 1. Clerk, U.S. District Court
 - 2. Evangelo Arvanetes, Counsel for defendant Kutzero

/s/ Cyndee L. Peterson
Assistant U.S. Attorney
Attorney for the Plaintiff